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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARIVELLE NUNEZ AS TRUSTEE FOR
MARIVELLE NUNEZ REVOCABLE
LIVING TRUST,

Plaintiff,

v.

HOMEFIELD FINANCIAL, INC.;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
NATIONSTAR MORTGAGE, LLC;
KEYBANK NATIONAL ASSOCIATION; and
DOES 1 through 10, inclusive; ROE
CORPORATIONS 1 through 10, inclusive

Defendants.

NATIONSTAR MORTGAGE, LLC

Counterclaimant/Crossclaimant,

v.

MARIVELLE NUNEZ AS TRUSTEE FOR
MARIVELLE NUNEZ REVOCABLE
LIVING TRUST; SILVER TURTLE
HOMEOWNER'S ASSOCIATION; and
NEVADA ASSOCIATION SERVICES

Counter-Defendant/Cross-Defendants

CASE NO. 2:16-cv-01504-JAD-NJK

**ORDER GRANTING
PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT PURSUANT
TO FRCP 55(b)(2) AGAINST
DEFENDANTS HOMEFIELD
FINANCIAL, INC. AND KEYBANK
NATIONAL ASSOCIATION**

ECF No. 51

In this action, the Judgment by Default concerns the real property commonly known as 6120 Skokie Ct., Las Vegas, NV 89130, APN: 125-26-611-016, and more fully described as follows:

1 **PARCEL ONE (1):**

2 LOT 16 IN BLOCK 1 OF FINAL MAP OF JONES / AZURE II (a COMMON
3 INTEREST COMMUNITY) AS SHOWN BY MAP THEREOF ON FILE IN BOOK 117
4 OF PLATS, PAGE 2, IN THE OFFICE OF THE COUNTY RECORDER, CLARK
 COUNTY, NEVADA.

5 **PARCEL TWO (2):**

6 A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND ENJOYMENT IN
7 AND TO THE COMMON ELEMENTS AS DELINEATED ON SAID MAP
8 REFERRED TO ABOVE AND FURTHER DESCRIBED IN THE DECLARATION OF
9 COVENANTS, CONDITIONS AND RESTRICTIONS FOR SILVER TURTLE
 RECORDED JULY 23, 2004 IN BOOK 20040723 AS DOCUMENT NO. 01464 OF
 OFFICIAL RECORDS.


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11 The Defendants, HOMEFIELD FINANCIAL, INC. and KEYBANK NATIONAL
12 ASSOCIATION, having been regularly served with Summons and Complaint and having failed
13 to appear and answer Plaintiff's claims filed herein, the legal time for answering having expired,
14 and no answer or responsive motion having been filed, the Default of said Defendants,
15 HOMEFIELD FINANCIAL, INC. and KEYBANK NATIONAL ASSOCIATION, in the
16 premises, having been duly entered according to law, thus, default judgment shall be hereby
17 entered against said Defendants, HOMEFIELD FINANCIAL, INC. and KEYBANK
18 NATIONAL ASSOCIATION.

19 Pursuant to *Eitel v. McCool*, 782 F.2d 1470, 1471-1472 (9th Cir.1986), the factors which
20 a court should consider in determining whether default judgment is proper include: (1) the
21 possibility of prejudice to the plaintiff, (2) the merits of plaintiff's substantive claim, (3) the
22 sufficiency of the complaint, (4) the sum of money at stake in the action, (5) the possibility of a
23 dispute concerning material facts, (6) whether the default was due to excusable neglect, and (7)
24 the strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the
25 merits. The Court finds that in sum, these factors weigh in favor of the entry of default judgment
26 against HOMEFIELD FINANCIAL, INC. and KEYBANK NATIONAL ASSOCIATION.

27 Therefore, this Court **GRANTS [ECF No. 51]** the Motion for Default Judgment
28 against Homefield Financial, Inc. and Keybank National Association; and

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2 **IT IS SO ORDERED** THAT PLAINTIFF HAVE JUDGMENT AGAINST
3 DEFENDANTS, HOMEFIELD FINANCIAL, INC. and KEYBANK NATIONAL
4 ASSOCIATION:

- 5 1. For a determination and declaration that Plaintiff owns the property commonly known
6 as 6120 Skokie Ct., Las Vegas, NV 89130, and bearing Assessor's Parcel Number 125-
7 26-611-016, free and clear of all liens, encumbrances, and claims of HOMEFIELD
8 FINANCIAL, INC. and KEYBANK NATIONAL ASSOCIATION;
- 9 2. For determination and declaration that the HOMEFIELD FINANCIAL, INC. and
10 KEYBANK NATIONAL ASSOCIATION has no estate, right, title, interest or claim
11 to the property commonly known as 6120 Skokie Ct., Las Vegas, NV 89130, and
12 bearing Assessor's Parcel Number 125-26-611-016; and
- 13 3. Enjoining the Defendants, HOMEFIELD FINANCIAL, INC. and KEYBANK
14 NATIONAL ASSOCIATION, from asserting any estate, right, title, interest or claim
15 in the property commonly known as 6120 Skokie Ct., Las Vegas, NV 89130, and
16 bearing Assessor's Parcel Number 125-26-611-016.
- 17 4. This Judgment shall not affect the rights of those against whom Default has not been
18 entered.
- 19 5. Because this judgment resolves all remaining claims, **the Clerk of Court is directed**
20 **to ENTER JUDGMENT accordingly and CLOSE THIS CASE.**

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23 U.S. District Judge Jennifer A. Dorsey
24 Dated: October 23, 2020
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